

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

----- x
 BLACK LOVE RESISTS IN THE RUST :
 by and through MARIELLE SHAVONNE :
 SMITH and CHARIS HUMPHREY on :
 behalf of its members; SHAKETA :
 REDDEN; DORETHEA FRANKLIN; :
 TANIQUA SIMMONS; DE'JON HALL; :
 JOSEPH BONDS; CHARLES PALMER; :
 SHIRLEY SARMIENTO; EBONY :
 YELDON; and JASMINE EVANS, :
 individually and on behalf of a class of all :
 others similarly situated, : Case No.: 1:18-cv-00719-CCR
 :
 Plaintiffs, :
 : ECF Case
 v. :
 :
 CITY OF BUFFALO, NY; BYRON B. :
 BROWN, Mayor of the City of Buffalo, in :
 his individual and official capacities; :
 BYRON C. LOCKWOOD, Commissioner :
 of the Buffalo Police Department, in his :
 individual and official capacities; DANIEL :
 DERENDA, former Commissioner of the :
 Buffalo Police Department, in his individual :
 capacity; AARON YOUNG, KEVIN :
 BRINKWORTH, PHILIP SERAFINI, :
 ROBBIN THOMAS, UNKNOWN :
 SUPERVISORY PERSONNEL 1-10, :
 UNKNOWN OFFICERS 1-20, each :
 officers of the Buffalo Police Department, in :
 their individual capacities, :
 :
 Defendants. :
 ----- x

DECLARATION OF PHILIP IRWIN IN SUPPORT OF MOTION FOR PARTIAL
SUMMARY JUDGMENT

I, Philip Irwin, declare as follows:

1. I am an attorney and partner at the law firm Covington & Burling LLP, counsel for Plaintiffs in this matter.
2. I submit this Declaration in support of Plaintiffs' Motion for Partial Summary Judgment.
3. I attach as **Exhibit 1** a true and correct copy of excerpts of the transcript of the March 16, 2022 deposition of Kevin Brinkworth.
4. I attach as **Exhibit 2** a true and correct copy of excerpts of the transcript of the November 6, 2023 deposition of Byron Brown.
5. I attach as **Exhibit 3** a true and correct copy of excerpts of the transcript of the November 10, 2021 deposition of Daniel Derenda.
6. I attach as **Exhibit 4** a true and correct copy of excerpts of the transcript of the December 23, 2021 deposition of Daniel Derenda.
7. I attach as **Exhibit 5** a true and correct copy of excerpts of the transcript of the January 23, 2024 deposition of the City of Buffalo's Fed. R. Civ. P. 30(b)(6) designee Daniel Derenda.
8. I attach as **Exhibit 6** a true and correct copy of excerpts of the transcript of the September 22, 2023 deposition of Joseph Gramaglia.
9. I attach as **Exhibit 7** a true and correct copy of excerpts of the transcript of the March 14, 2024 deposition of the City of Buffalo's Fed. R. Civ. P. 30(b)(6) designee Joseph Gramaglia.
10. I attach as **Exhibit 8** a true and correct copy of excerpts of the transcript of the August 10, 2023 deposition of Byron Lockwood.

11. I attach as **Exhibit 9** a true and correct copy of excerpts of the transcript of the August 17, 2023 deposition of Byron Lockwood.

12. I attach as **Exhibit 10** a true and correct copy of excerpts of the transcript of the December 27, 2021 deposition of Philip Serafini.

13. I attach as **Exhibit 11** a true and correct copy of excerpts of the transcript of the October 26, 2022 deposition of Aaron Young.

14. I attach as **Exhibit 12** a true and correct copy of excerpts of the transcript of the December 13, 2022 deposition of Shirley Sarmiento.

15. I attach as **Exhibit 13** a true and correct copy of the Defendants' Amended Responses to Plaintiffs' Fifth Set of Interrogatories and Sixth Request for Production of Documents.

16. I attach as **Exhibit 14** a true and correct copy of the Defendants' Amended Response to Plaintiffs' First Set of Requests for Admission.

17. I attach as **Exhibit 15** a true and correct copy of the Expert Report of Professor David Bjerk, dated May 29, 2024.

18. I attach as **Exhibit 16** a true and correct copy of Chapter 1, Sections 1 through 3 of the Buffalo Police Department's Manual of Procedures, bearing Bates numbers COB000247-61.

19. I attach as **Exhibit 17** a true and correct copy of Chapter 1, Section 8 of the Buffalo Police Department's Manual of Procedures, bearing Bates numbers COB000247-49 and COB000289-91.

20. I attach as **Exhibit 18** a true and correct copy of Chapter 8, Section 10 of the Buffalo Police Department's Manual of Procedures, bearing Bates numbers COB000539-41 and COB000574-76.

21. I attach as **Exhibit 19** a true and correct copy of a June 29, 2012 Email from Daniel Derenda, bearing Bates number COB279173.

22. I attach as **Exhibit 20** a true and correct copy of a July 5, 2016 Email from Philip M. Serafini, bearing Bates number COB040949.

23. I attach as **Exhibit 21** a true and correct copy of Exhibit 3 to the January 23, 2024 deposition of the City of Buffalo's Fed. R. Civ. P. 30(b)(6) designee Daniel Derenda, bearing Bates number COB060319.

24. I attach as **Exhibit 22** a true and correct copy of Exhibit 20 to the January 23, 2024 deposition of the City of Buffalo's Fed. R. Civ. P. 30(b)(6) designee Daniel Derenda, bearing Bates numbers COB041712-13.

25. I attach as **Exhibit 23** a true and correct copy of Exhibit 22 to the January 23, 2024 deposition of the City of Buffalo's Fed. R. Civ. P. 30(b)(6) designee Daniel Derenda, bearing Bates numbers COB041705-09.

26. I attach as **Exhibit 24** a true and correct copy of Exhibit 16 to the November 6, 2023 deposition of Byron Brown, bearing Bates number COB082897.

27. I attach as **Exhibit 25** a true and correct copy of Exhibit 17 to the November 6, 2023 deposition of Byron Brown, a map titled New Economy Project, Police Checkpoints – Buffalo, NY.

28. I attach as **Exhibit 26** a true and correct copy of Exhibit 32 to the August 17, 2023 deposition of Byron Lockwood, a Buffalo News article by Aaron Besecker, titled *Buffalo's most issued traffic ticket is for tinted windows*, dated May 13, 2019.

29. I attach as **Exhibit 27** a true and correct copy of Exhibit 8 to the March 16, 2022 deposition of Kevin Brinkworth, bearing Bates number COB591045.

30. I attach as **Exhibit 28** a true and correct copy of Exhibit 5 to the October 26, 2022 deposition of Aaron Young, bearing Bates numbers COB228535, COB245589, COB224759, COB232166, COB215625, COB215219, COB236452, COB221057, and COB234488.

31. I attach as **Exhibit 29** a true and correct copy of Strike Force and Housing Unit Daily Reports, bearing Bates numbers COB029724-25 and COB029730-31.

32. I attach as **Exhibit 30** a true and correct copy of the Buffalo Police Department Roadblock Directive, bearing Bates number COB060320.

33. I attach as **Exhibit 31** a true and correct copy of a set of Buffalo Police Department emails from 2013-2015, bearing Bates numbers COB042018-19, COB056123-24, COB056235-36, COB056243-44, COB056326-27, COB056348, and COB056484,

34. I attach as **Exhibit 32** a true and correct copy of a November 1, 2017 Email from Philip M. Serafini, bearing Bates number COB041743.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 7, 2025 in New York, New York.

s/ Philip Irwin

Philip Irwin (*pro hac vice*)
COVINGTON & BURLING LLP
The New York Times Building
620 Eighth Ave., Suite 4029
New York, NY 10018
212-841-1000
pirwin@cov.com

Counsel for Plaintiffs